

IN RE: PETITION FOR ZONING VARIANCE
NE/S of Searles Road, 34.63'
SE of Headley Road
(1951 Searles Road)
12th Election District
7th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-257-A

Harry W. Reist, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 32 feet in lieu of the required 50 feet, and an existing accessory structure (shed) to have a street centerline setback of 12 feet in lieu of the required 13 feet as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Harry Reist, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 1951 Searles Road, consists of 1,712 sq. ft. and is improved with a two story group home and shed. Petitioners are desirous of constructing a porch roof over an existing concrete patio. Due to the location of existing improvements on the property, the proposed roof will extend into the required rear yard setback. Mr. Reist testified he has no intention of enclosing the porch. Testimony regarding the existing storage shed indicated that it was built approximately three years ago without benefit of a permit. Mr. Reist testified the shed would be difficult to move as it is located upon a concrete foundation. Testimony further indicated that if he were required to move the shed further away from the rear property line, he would lose what available yard space Petitioners have in the rear of the property. Petitioner testified he has discussed his plans with his

neighbors on both sides of the subject property who have no objections. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of January 1990 that the Petition for Zoning Variance to permit a rear yard setback of 32 feet in lieu of the required 50 feet and an existing accessory structure (shed) to have a street centerline setback of 12 feet in lieu of the required 13 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return,

and be responsible for returning, said property to its original condition.

2) The covered patio may not be enclosed in any fashion, including, but not limited to, full or partial walls, screens, or windows.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

January 19, 1990

Mr. & Mrs. Harry W. Reist
1951 Searles Road
Baltimore, Maryland 21222

RE: PETITION FOR ZONING VARIANCE
NE/S Searles Road, 34.63' SE of Headley Road
(1951 Searles Road)
12th Election District - 7th Councilmanic District
Harry W. Reist, et ux - Petitioners
Case No. 90-257-A

Dear Mr. & Mrs. Reist:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 897-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

ORDER RECEIVED FOR FILING

Date 1/19/90
By J. Robert Haines

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Date 1/19/90
By J. Robert Haines

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description of a plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.3, and Section VI.C.4. (July 1953) to allow a rear yard setback of 32' in lieu of required 50' and Section VI.C.5. (July 1953) to allow an accessory structure a setback of 12' in lieu of the required 13'.

- #1 'Shed' - Concrete Foundation - Difficult to move this shed. Would block yard if it were further out back.
- #2 - A 2 1/2' Rear Porch Roof would not serve any purpose of shading patio area. We would be indirect sunlight until 3:00 in the afternoon. Also, it would be right along side the basement stairs well in which someone sitting close to the opening could fall causing injury. As of now we can't use our back yard as it is intended to be used in the Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Harry W. & Nancy E. Reist
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day of January 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 2nd day of Jan. 1990, at 7:30 o'clock p.m.

J. Robert Haines
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

Date 1/19/90
By J. Robert Haines

BEGINNING for the same thereof on the northeast side of Searles Road 60' wide as shown on plat entitled "Revision A-Portion of Subdivision Plat No. 2 - Eastfield" recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 21, folio 43, at the distance of 34.63' southeasterly measured along the northeast side of Searles Road from the southeast corner of the curve forming the intersection of the northeast side of Searles Road with the southeast side of Headley Road which place of beginning is at a point in line with the center line of a partition wall there erected, and running thence southeasterly binding on the northeast side of Searles Road 18' to a point in line with the center line of another partition wall there erected, thence running northeasterly to, through and along the center line of said last mentioned partition wall to the end thereof and continuing the same course in all 101' to the southwest side of an alley 16' thereof and using thereof in common with others 18' to meet a line drawn northeasterly from the place of beginning to, through and along the center line of the partition wall first above mentioned in this description, thence running southeasterly reversing said line so drawn and binding thereon 101' to the place of beginning. The improvements thereon being now known as No. 1951 Searles Road.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chaucer Avenue
Towson, Maryland 21204

receipt
No 752
90-257-A

12/19/89
PUBLIC HEARING FEES
000 POSTING SIGNS / ADVERTISING 1 X
LAST NAME OF OWNER: PEIST

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 12th
Date of Posting 12/15/89
Posted for: Harry W. Reist, et ux
Petitioner: Harry W. Reist, et ux, 34.63' SE of Headley Rd.
Location of property: NE/S Searles Rd, 34.63' SE of Headley Rd.
Location of Sign: Front of Searles Rd, across 75' from rear yard.
Remarks: Harry W. Reist, et ux
Posted by: J. Robert Haines
Number of Signs: 1

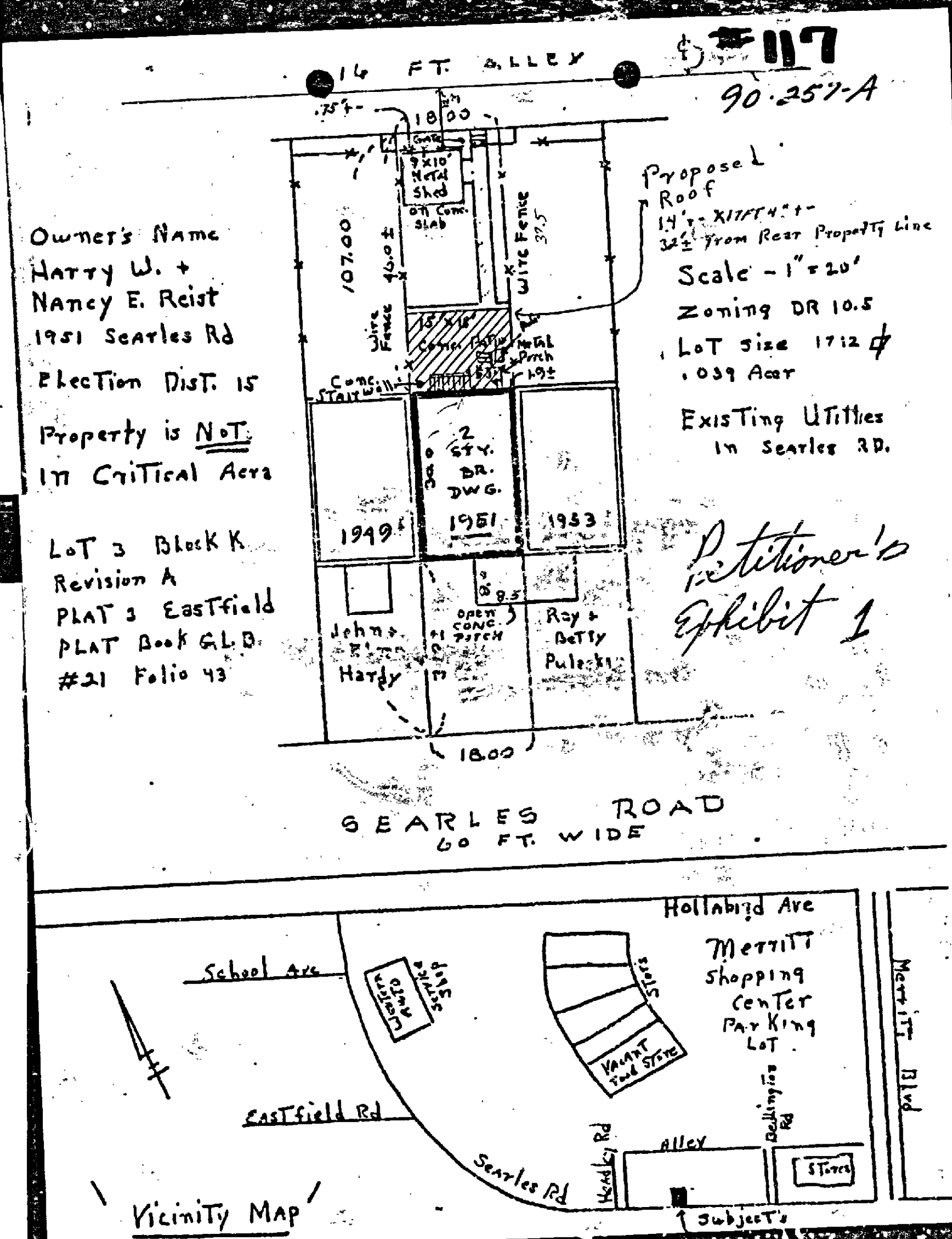
CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 7, 1989.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Toke Olson
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Law of Baltimore County, will hold a public hearing on the proposed Variance from Section 1802.3.3, and Section VI.C.4. (July 1953) to allow a rear yard setback of 32' in lieu of required 50' and Section VI.C.5. (July 1953) to allow an accessory structure a setback of 12' in lieu of the required 13' at 7:30 o'clock p.m. on the 2nd day of Jan. 1990 at 7:30 a.m. in Room 108, County Office Building, Towson, Maryland 21204.



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

DEC 12 1989

Mr. & Mrs. Harry W. Reist
1951 Searles Road
Baltimore, Maryland 21222

Re:
Petition for Zoning Variance
CASE NUMBER: 90-257-A
NE/S Searles Road, 34.63' SE of Hoadle Road
1951 Searles Road
12th Election District - 7th Councilmanic
Petitioner(s): Harry W. Reist, et ux
HEARING SCHEDULED: TUESDAY, JANUARY 2, 1990 at 9:30 a.m.

Dear Petitioner(s):

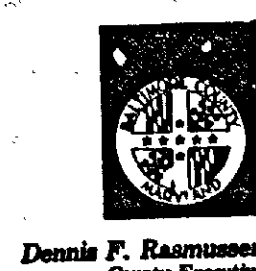
Please be advised that \$ 49.86 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

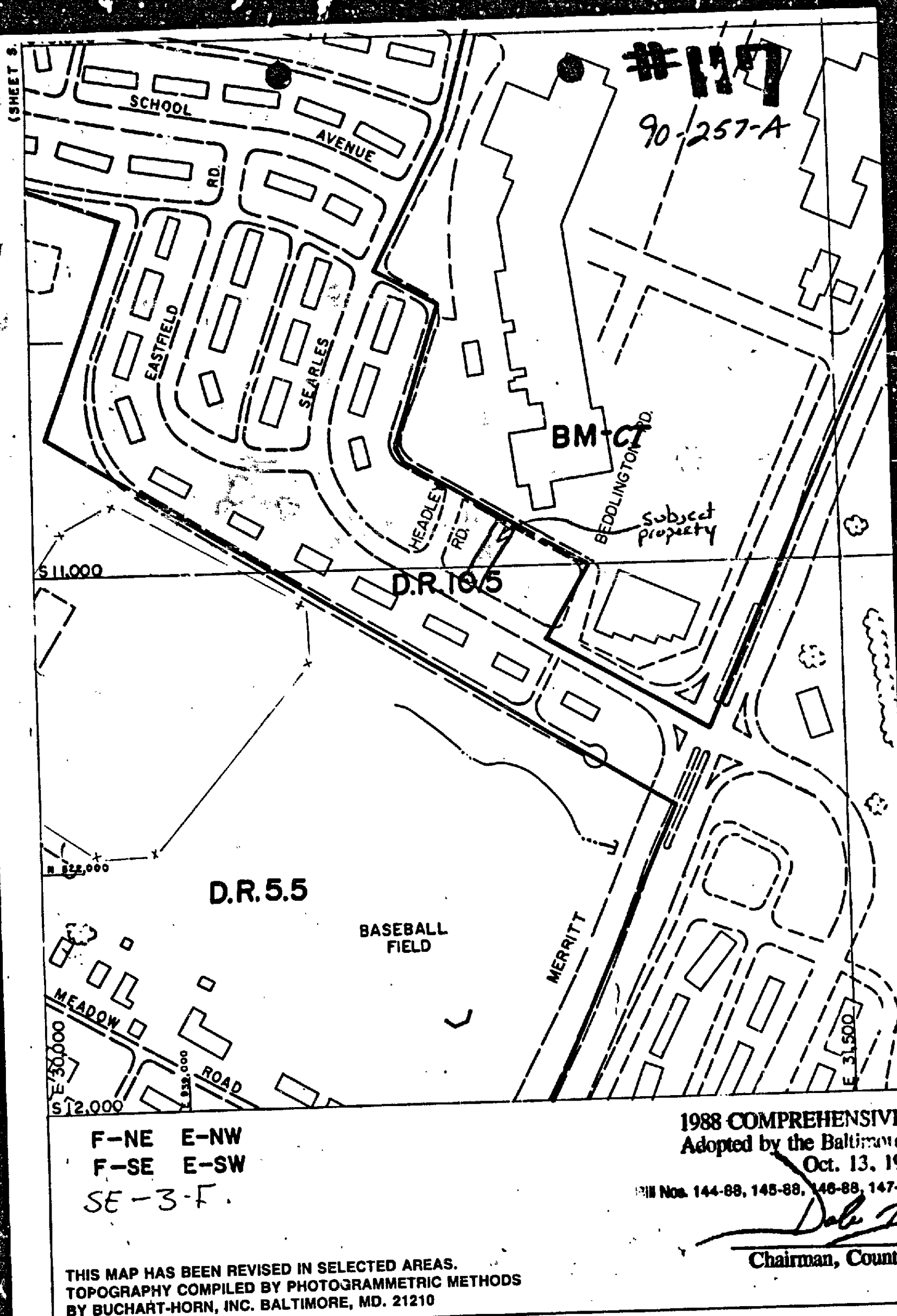
Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:js
cc: File



Dennis F. Rasmussen
County Executive



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

November 30, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-257-A
NE/S Searles Road, 34.63' SE of Hoadle Road
1951 Searles Road
12th Election District - 7th Councilmanic
Petitioner(s): Harry W. Reist, et ux
HEARING SCHEDULED: TUESDAY, JANUARY 2, 1990 at 9:30 a.m.

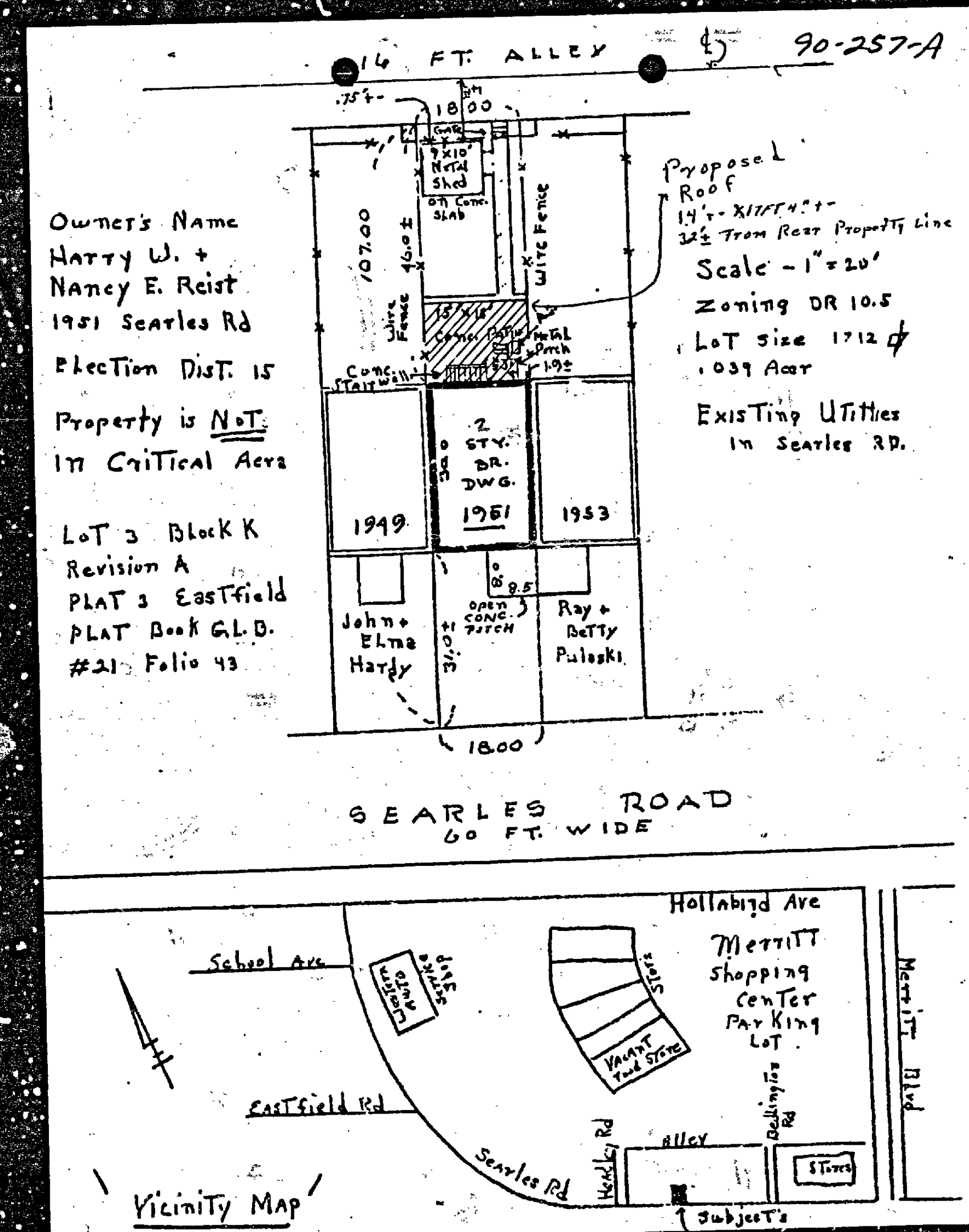
Variance to allow rear yard setback of 32 feet in lieu of the required 50 feet and to allow an accessory structure a setback of 12 feet in lieu of the required 15 feet.

In the event that this petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:js
cc: Petitioner
cc: File

Dennis F. Rasmussen
County Executive



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 20, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

cc:

Mr. & Mrs. Harry W. Reist
1951 Searles Road
Baltimore, MD 21222

RE: Item No. 117, Case No. 90-257-A
Petitioner: Harry W. Reist, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Reist:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3331.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

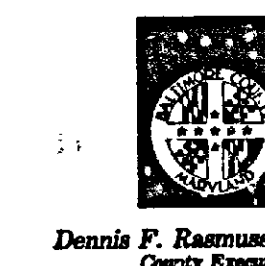
JED:jw

Enclosures

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500
Paul H. Reicks
Chief

OCTOBER 9, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

RE: Property Owner: HARRY W. REIST
Location: NE/S SEARLES ROAD
Item No.: 117 Zoning Agenda: OCTOBER 10, 1989

Gentlemen:

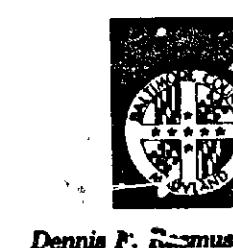
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: [Signature] 10/10/89 Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 11th day of October, 1989.

J. Robert Haines
ZONING COMMISSIONER

Received By:

[Signature]
Chairman,
Zoning Plans Advisory Committee

Petitioner: Harry W. Reist, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: December 12, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Harry W. Reist, Item 117
Zoning Petition No. 90-257A

The Petitioners request a variance to rear yard setback requirements and accessory structure setback requirements.

In reference to this request, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 406
Towson, Maryland 21204
(301) 887-3554

November 9, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RECEIVED
NOV 16 1989

ZONING OFFICE

Dear Mr. Haines:
The Bureau of Traffic Engineering has no comments for items number 110, 111, 112, 113, 114, 115, 116, 117, and 118.

Very truly yours,
[Signature]
Michael S. Flanagan,
Traffic Engineer Associate II

MSF/lab